

May 26, 2009

FILED/ACCEPTED

MAY 26 2009

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

**Re: REQUEST TO WITHDRAW
Minor Modification to Construction Permit
KLIT(FM), Hobbs, Texas (FIN: 93053)
FCC File No. BMPED-20090521AET**

RECEIVED

2009 JUN -3 A 10:37


AUDIO SERVICES DIVISION

Dear Ms. Dortch:

On behalf of Educational Media Foundation ("EMF"), permittee of FM radio station KLIT, Hobbs, Texas, this letter is to request withdrawal of the above-referenced application received by the Commission on May 22, 2009. See FCC File No. BMPED-20090521AET. A copy of the application is attached. EMF has proposed an alternative 340 minor modification application filed on May 22, 2009 (FCC File No. BMPED-20090522AFA) and respectfully requests that the Commission grant that application. Accordingly, please update your records to reflect this withdrawal.

Should there be any questions regarding this matter, please contact the undersigned.

Respectfully submitted,



Karen A. Ross

Enclosure

Federal Communications Commission Washington, D.C. 20554 FCC 340	Approved by OMB 3060-0029 (December 2008) FOR FCC USE ONLY
APPLICATION FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL NONCOMMERCIAL EDUCATIONAL BROADCAST STATION Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO. BMPED - 20090521AET

Section I - General Information

1.	Legal Name of the Licensee/Permittee EDUCATIONAL MEDIA FOUNDATION																
	Mailing Address 5700 WEST OAKS BLVD.																
	<table border="1"> <tr> <td data-bbox="175 699 630 772">City ROCKLIN</td> <td data-bbox="630 699 1149 772">State or Country (if foreign address) CA</td> <td data-bbox="1149 699 1474 772">Zip Code 95765 -</td> </tr> </table>	City ROCKLIN	State or Country (if foreign address) CA	Zip Code 95765 -													
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	Mailing Address 1919 PENNSYLVANIA AVE., NW SUITE 200																
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If an amendment, submit as an **Exhibit** a listing by Section and Question Number the portions of the pending application that are being revised.

[Exhibit 1]

NOTE: The failure to include an explanatory providing full particulars in connection with a "No" response may result in dismissal of the application. See Instructions, paragraph L for additional information regarding completion of explanatory exhibits.

SECTION II - Legal and Financial

1.	Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	Eligibility. Each application must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses. The applicant certifies that it is: a. a nonprofit educational institution; or b. a governmental entity other than a school; or c. a nonprofit educational organization, other than described in a. or b.	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No
3.	For applicants checking "Yes" to question 2(c) and applying for a new noncommercial educational television station only, the applicant certifies that the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural, and civic segments of the principal community to be served.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
4.	a. The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application. b. Applicants who answered "No" to Question 4(a), must include an exhibit that describes the applicant's educational objective and how the proposed station will be used to advance an educational program that will further that objective according to 47 C.F.R. Section 73.503 (for radio applicants) and 47 C.F.R. Section 73.621 (for television applicants).	<input type="radio"/> Yes <input type="radio"/> No FCC FileNumber - [Exhibit 2]
5.	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	<input type="radio"/> Yes <input type="radio"/> No
6.	a. Parties to the Application. List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity hold an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary. [Enter Parties/Owners Information]	

	b. Applicant certifies that equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.	<input type="radio"/> Yes <input type="radio"/> No [Exhibit 3]
7.	Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest pursuant to the notes to 47 C.F.R. Section 73.3555.	<input type="checkbox"/> N/A [Exhibit 4]
8.	Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised.	<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 5]
9.	Adverse Findings. Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination. If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
10.	Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
11.	Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	<input checked="" type="radio"/> Yes <input type="radio"/> No
12.	Local Public Notice. Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.	<input checked="" type="radio"/> Yes <input type="radio"/> No
13.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
14.	Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
QUESTIONS 15, 16 AND 17 APPLY ONLY TO APPLICANTS FOR NEW STATIONS. OTHER APPLICANTS CAN PROCEED TO QUESTION 18.		
15.	Financial. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. If "No" to 15., answer question 16. and 17.	<input type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]

Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b) (New and Major Changes to FM Radio Only) (Other applicants can proceed to Section IV).

Section IV Point System Factors - New and Major Change Applications Only (used to select among mutually exclusive radio and television applications for new stations and major modifications) **NOTE:** Applicants will not receive any additional points for amendments made after the close of the application filing window.

1.	Established Local Applicant: Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
2.	Diversity of Ownership: (a) Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized station (comparing radio and television to television, including non-fill-in translator stations other than those identified in 2(b) below) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity be maintained, and that it has placed documentation of its diversity qualification in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
	(b) Is the application's certification to 2(a) based on its exclusion of translator station(s) that will be replaced with a full service station pursuant to the authorization requested here? If Yes, applicant must include an exhibit identifying the translator station authorization for which it will request cancellation upon commencement of operation of the proposed full service station (i.e., upon its filing of a license application and receipt of program test authority).	<input type="radio"/> Yes <input type="radio"/> No [Exhibit 12]
3.	State-wide Network: Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	<input type="radio"/> Yes <input type="radio"/> No
4.	Technical Parameters: Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu (FM) or Grade B (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Section 73.713(c) (FM) and 73.683(TV) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include the area of proposed increase only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)	<input type="radio"/> Yes <input type="radio"/> No
	New area served in square kilometers (excluding areas of water):	
	Population served based on the most recent census block data from the United States Bureau of Census using the centroid method:	
SECTION V - Tie Breakers - New and Major Change Applications Only (used to choose among competing radio and television applications receiving the same number of points in Section IV)		
1.	Existing Authorizations. By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV (2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial and TV translator stations other than fill-in stations or those identified in IV(2)(b) above. (number of commercial and non-commercial licenses and construction permits)	
2.	Pending Applications. By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, and TV translator stations other than fill-in stations or those identified in IV(2)(b) above. (number of pending commercial and non-commercial applications)	

Section VI -- Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because

of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing MIKE NOVAK	Typed or Printed Title of Person Signing PRESIDENT/CEO, EMF
Signature	Date 05/21/2009

Section VII Preparer's Certification

I certify that I have prepared Section VII (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name CRIS BARON	Relationship to Applicant (e.g., Consulting Engineer) SIGNAL DEVELOPMENT SPECIALIST	
Signature	Date 05/21/2009	
Mailing Address 5700 WEST OAKS BLVD.		
City ROCKLIN	State or Country (if foreign address) CA	Zip Code 95765-
Telephone Number (include area code) 9162511600	E-Mail Address (if available) EFILE@EMFBROADCASTING.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section VII - FM Engineering	
TECHNICAL SPECIFICATIONS	
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.	
TECH BOX	
1.	Channel Number: 215
2.	Class (select one): <input type="radio"/> D <input checked="" type="radio"/> A <input type="radio"/> B1 <input type="radio"/> B <input type="radio"/> C3 <input type="radio"/> C2 <input type="radio"/> C1 <input type="radio"/> C0 <input type="radio"/> C
3.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 32 Minutes 42 Seconds 48 <input checked="" type="radio"/> North <input type="radio"/> South Longitude: Degrees 103 Minutes 5 Seconds 27 <input checked="" type="radio"/> West <input type="radio"/> East
4.	Proposed Assignment Coordinates: (NAD 27) - RESERVED CHANNELS ABOVE 220 ONLY <input checked="" type="checkbox"/> Not Applicable Latitude: Degrees Minutes Seconds <input type="radio"/> North <input type="radio"/> South Longitude: Degrees Minutes Seconds <input type="radio"/> West <input type="radio"/> East
5.	Antenna Structure Registration Number: 1265168 <input type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA
6.	Overall Tower Height Above Ground Level: 152 meters

7.	Height of Radiation Center Above Mean Sea Level:	meters(H) 1215 meters(V)																																																																																																
8.	Height of Radiation Center Above Ground Level:	meters(H) 117 meters(V)																																																																																																
9.	Height of Radiation Center Above Average Terrain:	meters(H) 121 meters(V)																																																																																																
10.	Effective Radiated Power:	kW(H) 2.4 kW(V)																																																																																																
11.	Maximum Effective Radiated Power: (Beam-Tilt Antenna ONLY)	<input checked="" type="checkbox"/> Not Applicable kW(H) kW(V)																																																																																																
12.	Directional Antenna Relative Field Values: <input checked="" type="checkbox"/> Not applicable (Nondirectional) Rotation (Degrees): <input type="checkbox"/> No Rotation																																																																																																	
	<table border="1"> <thead> <tr> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> <th>Degrees</th> <th>Value</th> </tr> </thead> <tbody> <tr><td>0</td><td></td><td>10</td><td></td><td>20</td><td></td><td>30</td><td></td><td>40</td><td></td><td>50</td><td></td></tr> <tr><td>60</td><td></td><td>70</td><td></td><td>80</td><td></td><td>90</td><td></td><td>100</td><td></td><td>110</td><td></td></tr> <tr><td>120</td><td></td><td>130</td><td></td><td>140</td><td></td><td>150</td><td></td><td>160</td><td></td><td>170</td><td></td></tr> <tr><td>180</td><td></td><td>190</td><td></td><td>200</td><td></td><td>210</td><td></td><td>220</td><td></td><td>230</td><td></td></tr> <tr><td>240</td><td></td><td>250</td><td></td><td>260</td><td></td><td>270</td><td></td><td>280</td><td></td><td>290</td><td></td></tr> <tr><td>300</td><td></td><td>310</td><td></td><td>320</td><td></td><td>330</td><td></td><td>340</td><td></td><td>350</td><td></td></tr> <tr> <td colspan="2">Additional Azimuths</td> <td colspan="10"></td> </tr> </tbody> </table>	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	0		10		20		30		40		50		60		70		80		90		100		110		120		130		140		150		160		170		180		190		200		210		220		230		240		250		260		270		280		290		300		310		320		330		340		350		Additional Azimuths												
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Additional Azimuths																																																																																																		

Relative Field Polar Plot

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.	
CERTIFICATION	
AUXILIARY ANTENNA APPLICANTS ARE NOT REQUIRED TO RESPOND TO ITEMS 13-17. PROCEED TO ITEM 18.	
13.	Main Studio Location. The proposed main studio location complies with 47 C.F.R. Section 73.1125. <input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 13]
14.	Community Coverage. The proposed facility complies with 47 C.F.R. Section 73.315. (Channels 221 and above) or 47 C.F.R. Section 73.515 (Channels 220 and below). <input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]
15.	Interference. The proposed facility complies with all of the following applicable rule sections. Check all that apply: <input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 15]
Contour Overlap Requirements. a. <input checked="" type="checkbox"/> 47 C.F.R. Section 73.509 Exhibit Required. [Exhibit 16]	
Spacing Requirements. b. <input type="checkbox"/> 47 C.F.R. Section 73.207 with respect to station(s)	
Grandfathered Short-Spaced. c. <input type="checkbox"/> 47 C.F.R. Section 73.213(a) with respect to station(s) Exhibit Required. [Exhibit 17]	
Contour Protection. d. <input type="checkbox"/> 47 C.F.R. Section 73.215(a) with respect to station(s) Exhibit Required. [Exhibit 18]	

Television Channel 6 Protection. e. <input checked="" type="checkbox"/> 47 C.F.R. Section 73.525 with respect to station(s) Exhibit Required.		[Exhibit 19]
16.	Reserved Channels Above 220. a. Availability of Channels. The proposed facility complies with the assignment requirements of 47 C.F.R. Section 73.203.	<input type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 20]
17.	International Borders. The proposed antenna location is not within 320 kilometers of the common border between the United States and Canada or Mexico. If "No," specify the country and provide an exhibit of compliance with all provisions of the relevant International Agreement.	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Canada <input checked="" type="radio"/> Mexico [Exhibit 21]
18.	Environmental Protection Act. The proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., The facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Worksheet #7, an Exhibit is required. By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 22]
19.	Community of License Change - Section 307(b). If the application is being submitted to change the facility's community of license, then the applicant certifies that it has attached an exhibit containing information demonstrating that the proposed community of license change comports with the fair distribution of service policies underlying Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)). An exhibit is required unless this question is not applicable.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A [Exhibit 23]
PREPARER'S CERTIFICATION ON PAGE 8 MUST BE COMPLETED AND SIGNED.		

Exhibits

Exhibit 1

Description: CONTINGENT APPLICATIONS

PURSUANT TO SECTION 73.3517(E) OF THE COMMISSION'S RULES, THE INSTANT APPLICATION WAS FILED CONCURRENTLY WITH AN APPLICATION FOR A MINOR MODIFICATION OF THE CONSTRUCTION PERMIT OF KKLU(FM) (LUBBOCK, TX). BOTH STATIONS ARE LICENSED TO EDUCATIONAL MEDIA FOUNDATION, THEREFORE NO AGREEMENT IS ATTACHED.

Attachment 1

Attachment 4

Description
Other Authorizations

Attachment 5

Description
Character Issues

Attachment 13

Description
Exhibit 13 - Studio Location

Attachment 14

Description
EXHIBIT 14 - COMMUNITY OF LICENSE COVERAGE

Attachment 16

Description
EXHIBIT 16 - CHANNEL STUDY

Attachment 19

Description
EXHIBIT 19 - CHANNEL 6 PROTECTION

Attachment 21

Description
EXHIBIT 21 - INTERNATIONAL BORDERS

Attachment 22

Description
EXHIBIT 22 - ENVIRONMENTAL PROTECTION
